

CHAPTER NO. 602

SENATE BILL NO. 3079

**By Senators Haun, McNally, Person, Crowe, Kyle, Miller, Burks, Kurita, Williams, Graves, Carter, Atchley, Blackburn, Burchett, Clabough, Cohen, Cooper, Crutchfield, Davis, Dixon, Elsea, Ford, Fowler, Harper, Haynes, Henry, Herron, Leatherwood, Ramsey, Rochelle, Springer, Womack, Mr. Speaker Wilder**

Substituted for: House Bill No. 3007

By Representatives Newton, Hargett, Godsey, David Davis, Baird, Patton, Ford

AN ACT To amend Tennessee Code Annotated, Section 55-10-406, relative to tests for alcoholic or drug content of blood.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-406(a)(3), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(a)(3) If such person having been placed under arrest and thereafter having been requested by a law enforcement officer to submit to such test and advised of the consequences for refusing to do so, refuses to submit, the test shall not be given and such person shall be charged with violating this subsection. The determination as to whether a driver violated the provisions of this subsection shall be made at the same time and by the same court as the one disposing of the offense for which such driver was placed under arrest. If the court finds that the driver violated the provisions of this subsection, the driver shall not be considered as having committed a criminal offense; however, the court shall revoke the license of such driver for a period of:

(A) One (1) year, if the person does not have a prior conviction for a violation of § 55-10-401, § 39-13-213(a)(2), § 39-13-218, § 39-13-106, or § 55-10-418 in this state or a similar offense in any other jurisdiction.

(B) Two (2) years, if the person does have a prior conviction for an offense set out in subdivision (A).

(C) Two (2) years, if the court finds that the driver of a motor vehicle involved in an accident in which one or more persons suffered serious bodily injury violated this subsection by refusing to submit to such a test.


(D) Five (5) years, if the court finds that the driver of a motor vehicle involved in an accident in which one or more persons are killed violated this subsection by refusing to submit to such a test.

For the purposes of this subpart, prior conviction shall mean a conviction for one of the designated offenses, the commission of which occurred prior to the D.U.I. arrest, giving rise to the instant implied consent violation.


SECTION 2. This act shall take effect July 1, 2000, the public welfare requiring it and shall apply to any violation of § 55-10-406(a)(3) occurring on or after this date.

**PASSED: March 13, 2000**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 21<sup>st</sup> day of March 2000**

  
DON SUNDQUIST, GOVERNOR